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REMARKS

In the final Office Action, the Examiner: (1) indicated that independent claims 1, 13, 21, and 31 would be allowable if rewritten to overcome rejections made under 35 U.S.C. §112, second paragraph; (2) indicated that claims 2, 4, 6-12, 14-20, 22, 24, 26-30, 32-43, and 51-54 would be allowable if rewritten to overcome rejections made under 35 U.S.C. §112, second paragraph and to include all of the limitations of the respective base claims and any intervening claims; (3) objected to the drawings under 37 C.F.R. §1.83(a) for not showing every feature of the invention specified in the claims; (4) objected to the specification as failing to provide proper antecedent basis for the claimed subject matter; (5) rejected claims 1, 2, 4, 6-22, 24, and 26-54 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention; and (6) rejected claims 44-50 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,524,302 to Ragsdale et al. (hereinafter "Ragsdale").

In this Response, Applicant has amended the specification and claims 1, 4, 6-8, 11-13, 16, 19-22, 26, 31-33, 35, 36, 38, 44, 46, 48-51 to overcome the objections and the §112 rejections presented in the Office Action. Independent claim 44 has also been amended to further define patentable aspects, and claim 51 has been amended to coincide with the amendments to claim 44. No new matter has been introduced. Claims 43 and 52-54 have been cancelled without prejudice. Claims 3, 5, 23, and 25 were cancelled previously. Upon entry of the claim amendments into the record, claims 1, 2, 4, 6-22, 24, 26-42, and 44-51 will be pending in the application. Claims 1, 13, 21, 31, and 44 are in independent form.

Entry and consideration of the amendments are proper under 37 C.F.R. § 1.116 for at least the following reasons. The present amendments make those changes necessary to place the application in condition for allowance as indicated by the Examiner. In particular, the amendments have been made to comply with the requirements for form set forth in the Office Action. The amendments do not raise new issues requiring further search or consideration. And, based on the indications of the Examiner, the present amendments clearly place the

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application in condition for allowance. Therefore, entry of the present amendments is proper under 37 C.F.R. § 116 and is hereby requested.

Allowable Subject Matter

On page 5 of the Office Action, the Examiner indicated that “[c]laims 1, 13, 21, and 31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph.” One page 6 of the Office Action, the Examiner indicated that “[c]laims 2, 4, 6-12, 14-20, 22, 24, 26-30, 32-43 and 51-54 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.” Thus, the Office Action contains only procedural rejections of claims 1, 2, 4, 6-22, 24, 26-43, and 51-54, which are allowable on the merits. Only claims 44-50 stand rejected on the merits.

Applicant has amended the claims and the specification as described herein to overcome the §112 rejections contained in the Office Action. Therefore, for the amendments and the reasons presented herein, Applicant respectfully submits that claims 1, 2, 4, 6-22, 24, 26-42, and 51 are in condition for allowance (claims 43 and 52-54 have been cancelled herein).

Objection to the Drawings

On page 2 of the Office Action, the Examiner objected to the drawings for not showing every feature of the invention specified in the claims. In particular, the Examiner requires that the claim limitations “‘a drive unit configured to be coupled to a roll-up tube, a pool cover, and a rope’ as recited in claim 13” and “‘the second position is disposed approximately 90 degrees from the first position’ as recited in claim 45” be shown or the features cancelled from the claims. Accordingly, Applicant has amended independent claims 13 and 44 to cancel “roll-up tube,” “pool cover,” and “rope” from these claims. Independent claims 1 and 31 have been amended to cancel “rope” and “swimming pool cover” from the

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bodies of these claims. These amendments are made solely to comply with requirements of form set forth on page 2 of the Office Action. Therefore, these amendments should be entered (37 CFR §1.116(b)(1)).

With respect to claim 45, Applicant respectfully traverses this objection and submits that the claim feature of a second position disposed approximately 90 degrees from a first position is sufficiently shown in the drawings, especially when this limitation is considered in the context of its base claim (claim 44), which, as amended herein, recites: "wherein the shift base is configured to be removably mounted on the rotatable drive shaft at either a first position or a second position." Figures 10A and 10B show shift base 194 configured to be removably mounted on rotatable drive shaft 180 at a first position. In the case of Figures 10A and 10B, shift base 194 is mounted to accommodate a left-hand system (paragraph 0052 of Applicants' replacement specification). As is made clear in Figure 10A, shift base 194 includes holes (e.g., hole 129 and an unnumbered hole transverse to hole 129) that allow the shift base 194 to be rotated approximately ninety degrees from the first position (shown in Figure 10B) and removably mounted at a second position. An example of the second position is shown in Figures 8A and 8B, in which shift base 94 is configured for removable mounting on rotatable drive shaft 80 to accommodate a right-hand system (paragraph 0052 of Applicants' replacement specification). For the foregoing reasons, Applicant respectfully requests that the Examiner withdraw the objection to the drawings.

Objection to the Specification

On page 3 of the Office Action, the Examiner objected to Applicant's specification as failing to provide proper antecedent basis for the claim elements "reel unit," "drive unit," "gear drive assembly," and "shift assembly" recited in the claims because the specification uses allegedly non-corresponding terms "rope reel unit," "drive cone unit," "gear mechanism," and "shift arm," respectively, for these elements. In this Amendment, Applicant has amended both the specification and the claims to unify the terminology used

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for these elements. The specification has been amended as described above to indicate that the terms "reel unit" and "shift member" are used interchangeably with the terms "rope reel unit" and "shift arm," respectively. Accordingly, the specification as amended provides sufficient antecedent basis for "reel unit" and "shift member," as recited in the claims. The amendments to the specification are fully supported in Applicant's originally-filed application. For example, original claims 23-26 recited a "shift member," and "reel unit" is used throughout the originally-filed specification to refer to the rope reel unit 72, including at paragraph 0031 of the specification.

The claims (claims 1, 4, 7, 8, 11-13, 16, 19, 31, 32, 35, 36, and 44) have been amended to recite "gear mechanism" in place of "gear drive assembly" and "gear assembly."

The claims (claims 1, 20, 44, 48, 49, and 50) have been further amended to recite "shift member" or "shift base" in place of either "shift assembly" or "gear assembly." The claims (claims 1, 2, 7, 13, 15, 20, 21, 27, 31, 37, 40, 44, and 49-51) have been further amended to recite "drive cone unit" in place of "drive unit." These amendments to the claims have been made solely to comply with requirements for form set forth in the Office Action. The specification provides proper antecedent basis for these terms.

As advised in the Office Action, Applicant has carefully reviewed the specification and the claims to verify that the specification provides proper antecedent basis for the claimed subject matter. Based on Applicant's review, the term "base member" has been changed to "shift base" in claims 4, 6, and 26, and the term "torque limiter element" has been changed to "torque limiter" in claims 31-33 and 35. The specification provides proper antecedent basis for "shift base" and "torque limiter." Based on the foregoing, Applicant respectfully requests that the Examiner withdraw the objection to the specification.

Claim Rejections Under 35 U.S.C. §112, Second Paragraph

On page 3 of the Office Action, the Examiner rejected claims 1, 2, 4, 6-22, 24, and 26-54 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly

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point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner asserts that the term "pivot member" in claim 1 is indefinite because the specification does not clearly define the term but instead uses the term "shift arm." In this Response, Applicant has changed "pivot member" to "shift member" in claims 1, 4, and 6, as shown above. Applicant has also amended paragraph 0034 of the specification as described above to ensure that the specification provides sufficient antecedent basis for the term "shift member" by indicating that the term "shift member" may be used interchangeably with the term "shift arm." As mentioned above, the originally-filed application supports these amendments.

The Examiner also asserts that the term "rotatable drive shaft assembly" recited in claim 1 lacks proper antecedent basis in the claim. Applicant thanks the Examiner for pointing out this oversight. Applicant has amended claims 1, 21, and 31 to change "rotatable drive shaft assembly" to "rotatable drive shaft," as shown above. The term "rotatable drive shaft" has sufficient antecedent basis in claims 1, 21, and 31.

The Examiner further asserts that the phrase "wherein the steps of driving the reel unit or the drive unit including pivoting a shift member to engage the reel unit or the drive unit" recited in claim 21 is indefinite and vague because the Examiner cannot tell to which steps Applicant is referring. Applicant has deleted this claim limitation from claim 21. This amendment is made solely to comply with requirements for form set forth in the Office Action and should not affect the indication of allowable subject matter in claim 21.

As advised by the Examiner, Applicant has reviewed the claims and specification to verify that the terminology used in the claims is consistent with the terminology used in the specification. Based on Applicant's review, instances of "the drive shaft" and "the shaft" have been changed to "the rotatable drive shaft" in claims 21, 22, 31, and 32 to ensure proper antecedent basis is maintained.

Based on the foregoing explanation and amendments to the claims and the specification, Applicant respectfully requests that the Examiner withdraw the §112 rejections

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of claims 1, 2, 4, 6-22, 24, and 26-54, which are now in condition for allowance as indicated in the Office Action.

Claim Rejections Under 35 U.S.C. §102

The Examiner rejected claims 44-50 under 35 U.S.C. §102(b) as being anticipated by Ragsdale. Applicant has amended independent claim 44 to comply with requirements for form set forth in the Office Action by bringing the terminology of claim 44 into correspondence with the terminology used in the specification. Claim 44 has also been amended to further articulate novel aspects by adding limitations from now-cancelled claim 52. As amended, independent claim 44 recites the claim limitation of

...a gear mechanism mounted to be driven by the rotatable drive shaft, the gear mechanism including a shift member mounted on a shift base, the shift member being configured to engage and drive the reel unit as the rotatable drive shaft moves in a first rotational direction and to engage and drive the drive unit as the rotatable drive shaft moves in a second rotational direction, wherein the shift base is configured to be removably mounted on the rotatable drive shaft at either a first position or a second position. (Emphasis added.)

The claim element of a shift base being configured to be removably mounted on the rotatable drive shaft at either a first position or a second position is not disclosed in Ragsdale. The double dog gear 30 of Ragsdale does not disclose this claim limitation because the double dog gear 30 is not removable from being mounted on the drive shaft 18 of Ragsdale. As shown in Figure 4 of Ragsdale, the double dog gear 30 is limited to sliding along the drive shaft either toward single dog gear 28 or single dog gear 32. Accordingly, Ragsdale does not disclose every claim limitation recited in amended independent claim 44, and Applicant respectfully requests that the Examiner withdraw the rejection of this claim. Claims 45-51 are in condition for allowance as claims depending from independent claim 44.

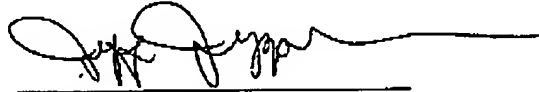
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Conclusion

For the foregoing reasons, the present application is thought to be in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If any fees are owed in connection with this paper, which fees have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



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